

Application No. 10/590,118
Paper Dated: September 30, 2010
Attorney Docket No. 4544-062454

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/590,118 Confirmation No. 2820
Applicant : PRAKASH SINGH BISEN
Filed : 2/21/2005
Title : DIAGNOSTIC KIT FOR DETECTING PULMONARY
AND EXTRA PULMONARY
Group Art Unit : 1645
Examiner : Rodney P. Swartz, Ph.D.
Customer No. : 28289

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

On May 31, 2010, the Examiner mailed a final Office Action rejecting claims 11-14 and allowing claims 15-25. Applicants filed an Amendment on July 30, 2010 without a Request for Continued Examination ("RCE"). Based on the final Office Action, Applicants believed that the July 30, 2010 Amendment would place the application in condition for allowance. On September 30, 2010, the Applicants' attorneys reviewed the PAIR system. PAIR indicated that the status of the application was "allowed – notice of allowance not yet mailed." Also on September 30, 2010, Applicants placed a telephone call to the Examiner inquiring whether an RCE was required. Unfortunately, the Examiner was not available.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on September 30, 2010.

09/30/2010
Date

Signature

Mary Ann Mulvihill

Typed Name of Person Signing Certificate

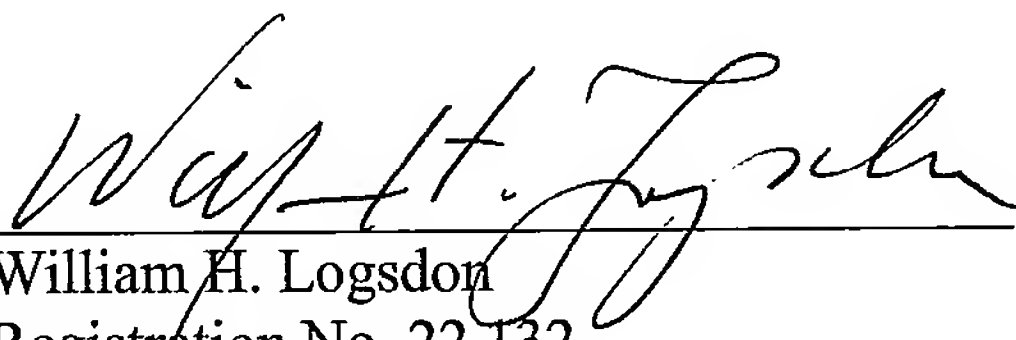
In the interest of ensuring that the above captioned application does not go abandoned, Applicants hereby file this Notice of Appeal together with a Petition for a Three-Month Extension of Time. If this Notice was not required to prevent the Application from going abandoned, Applicants respectfully request that the fee for the Notice and Petition be refunded.

The Commissioner of Patents and Trademarks is hereby authorized to charge the fee of \$540.00 for the Notice of Appeal and the fee of \$1,110.00 for the Three-Month Extension of Time by credit card, which information accompanies this Notice.

The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650.

Respectfully submitted,

THE WEBB LAW FIRM

By 

William H. Logsdon
Registration No. 22,132
Attorney for Applicants
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com